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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,484	03/07/2001	Raymond M. Broemmelsiek	C4-971C:US (23336-17)	4741

7590 03/14/2007
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EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/801,484

Applicant(s)

BROEMMELSIEK, RAYMOND M.

Examiner

Gims S. Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 18th, 2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Crabtree et al. (US Patent no. 6263088).

As per claims 1, 11, 27 and 28, Crabtree discloses the same method for detecting a moving object of interest, having characteristic with a predetermined value, in a field of view of a motion video camera using a video signal received from the motion video camera (See col. 5, lines 17-24), the method comprising the steps of receiving an object qualifying parameter representative of the characteristic with the predetermined value of the moving object of interest (See col. 5, lines 38-46, col. 6, lines 4-7), detecting moving objects to determine the value of the characteristic of the moving object of interest for each detected moving object (See col. 6, lines 8-22), determining if a value of the characteristic for each detected moving object is within a predefined tolerance of the predetermined value of the moving object of interest (See col. 6, lines 23-29), and generating an indication of detected moving objects having the value of the characteristic within the predefined tolerance (See col. 6, lines 28-31 and col. 25, lines 38-56).

Regarding claims 4, 14, 21 and 23, Crabtree discloses the same system and method for reducing information in a video signal having a plurality of frames from a motion video camera with a field of view, wherein each of the frames has a data set (See Crabtree col. 4, lines 31-42), the method comprising detecting moving objects in the field of view

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of the motion video camera (See col. 4, lines 36-42, and col. 6, lines 13-17), selecting objects of interest from the detected moving objects (See col. 4, lines 36-42, and col. 5, lines 17-22), and creating a data set for each of the plurality of frames in the video signal based on detected moving objects (See col. 6, lines 56-60 and col. 23, lines 42-46).

As per claim 2, 9, 12, 19, 22, 25, most of the limitations of these claims have been noted in the above rejection of claims 1, 4, 11, 14, 21, and 23. In addition, Crabtree further discloses receiving an indication of a selected monitoring area in the field of view and wherein the step of detecting is performed in the monitoring (See col. 15, lines 43-62 wherein the confidence value is the indication of the monitoring area).

As per claims 3, 8, 10, 13, 18, and 20, most of the limitations of these claims have been noted in the above rejection of claims 1, 4, 11, 14. In addition, Crabtree further discloses the same system and method wherein the object detection parameter is selected from the group consisting of color, velocity, position, acceleration, and size (See Crabtree col. 15, lines 60-62, col. 25, lines 44-53, col. 26, lines 23-48).

As per claims 5, 15 and 24, most of the limitations of these claims have been noted in the above rejection of claims 4, 14, and 23. In addition, Crabtree further suggests automatic tracking in col. 2, lines 3-5, and col. 3, lines 9-19).

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As per claims 7 and 17, most of the limitations of these claims have been noted in the above rejection of claims 4 and 14. In addition, Crabtree further provides means to mark the data set for the current frame as empty (See col. 34, lines 56-61).

As per claims 6 and 16, most of the limitations of these claims have been noted in the above rejection of claims 4 and 14. In addition, Crabtree further discloses the same system and method wherein the selection step includes an indication of at least one selected object of interest (See col. 34, lines 21-39).

As per claim 26, most of the limitations of this claim have been noted in the above rejection of claim 23. In addition, Crabtree further provides a path detector for predicting a future position of each of the selected moving object based on determined present position and velocity (See col. 14, lines 35-48, and col. 26, lines 22-48).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gims S Philippe
Primary Examiner
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GSP

March 13, 2007